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Fifty-third session
Provisional agenda item 6

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1295 (XLIV).

[27 December 1996]

GE.97-10268 (E)

1. At the opening of the fifty-second session, the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, said that it was the responsibility of the Commission on Human Rights to "pave the way for a future of peace, democracy and development" and that its primary objective should be "to make the enjoyment of human rights a reality for all people" (E/CN.4/1996/103).

2. The International Federation of Rural Adult Catholic Movements (FIMARC), within which 61 rural people's movements and organizations operate in four continents, fully shares this outlook. As a non-governmental organization with the honour to have consultative status with the Economic and Social Council, the Federation wishes to contribute to the Council's work by presenting the viewpoint of rural people.

3. Faced with an increasingly globalized economy that is generally represented to them as an inescapable phenomenon to which there is no possible alternative, the rural movements are experiencing the grim reality of this type of economy, with all its adverse repercussions in their daily life. At the same time the communal projects of the rural movements, forerunners of a form of development that would restore man to his place at the centre of the economy, are seriously jeopardized. The initiatives they have taken to meet the urgent needs of the populations are labouring under enormous difficulties.

4. To understand and analyse the mechanisms of this economic system which is grinding them down, the delegates of the coordinating bodies of the rural movements of four continents recently devoted a fortnight-long seminar to the study of this question.

5. Pointing out the realities of life as lived in their respective countries by the rural populations, they stressed the ever widening and deepening gulf between rich and poor, whether in the countries of the North or in those of the South.

6. Their observation is confirmed by the Human Development Report 1996, which shows that the 358 largest fortunes on the planet are equal to the income of the poorest 45 per cent of the human race, numbering 2.3 billion persons, and that the richest 20 per cent of the world's people share 82.7 per cent of its overall income, while the poorest 20 per cent receive only 1.4 per cent. Even in the countries of the European Union, four of which are among the world's seven richest countries, over 30 per cent of the active population live in straightened circumstances. The poorest rural populations, and more particularly their women and children, are among the countless victims of this inequitable and unjust economic system which is producing more and more poor people.

7. Meanwhile, the multinational companies and transnational trading enterprises are inventing ways of making money still more easily, creating a bonanza for the financial markets which have the political authorities at their mercy and engineer destabilization of local economies. Thus every day billions of dollars circulate at the whim of exchange rate fluctuations, for purposes of speculation, and are therefore not invested in productive activities, the primary objective of this economic model being to make profits, not jobs.

8. The paradox of the globalized system lies in the fact that the wealth exists and the poor are ever more numerous. And yet the United Nations Development Programme acknowledges that the essential needs of the poorest countries could be met on the basis of an annual expenditure of 30 to 40 billion dollars over 10 years. The root of this paradox is to be found in the neoliberal economic policy that practically all States are pursuing, constrained as they are by the imperatives of the financial markets.

9. This neoliberal policy is destroying the fragile economic system of the rural world. The orientation of agricultural activities mainly towards the market has resulted in serious imbalances. A great many farming plots, all over the world, have been turned over to industrial monoculture for export, demolishing the self-sufficiency in food of many rural areas. Thus Brazil, the leading producer of coffee and raw sugar, cannot feed all its inhabitants and one out of five of them suffers from hunger. Food security is therefore more a problem of economic policy than a technical problem of production. In many countries transnational concerns have taken over a major part of the farmlands with a view to industrial food production, resulting in migration of peasants to the towns. This draining of the countryside aggravates the difficulties of the urban areas while destroying the traditional values and cultural heritage of the rural populations.

10. The ever-increasing indebtedness of the peasantry is directly linked to the debt crisis of the poor countries. A large part of those countries' income is used for debt servicing, proportionately reducing public assistance, social welfare and the infrastructural investments essential for their development.

11. Structural adjustments are imposed on the poor countries by international monetary agencies such as the IMF or the World Bank. Thus, with the policy of "one dollar = one vote" seven industrialized countries in the world command over 45 per cent of the votes in the international control bodies while the 45 countries of Africa have only 4 per cent of the votes between them.

12. The autonomy of rural people in determining their own development no longer exists when the basic right of peasants to form organizations is denied, restricted or controlled. In the rural areas this is causing tension. The leaders of peoples' organizations are kept watch on, threatened, subjected to repression and even killed, as current events in Brazil again reminded us a few weeks ago.

13. This neoliberal economy is dictating, in fact, the destiny of human-kind and restricting the possibilities of intervening to reverse its course. The political power of nations is sapped and the United Nations authorities crippled. The declarations of various United Nations bodies calling for protection of nature and guarantees for basic democratic rights remain a dead letter, impotent to take concrete form.

14. The dehumanizing situation imposed on rural people actuates the FIMARC movements to reaffirm their convictions and express their determination to:

Combat the neoliberal economic policies that reduce human beings to nothing but their market value;

Attain their goal of cancellation of the debt, subject to the condition that Governments commit themselves to changing their policies and above all giving priority to meeting their peoples' basic food, health and education needs;

Promote a social economy that will ensure sustainable and mutually beneficial development;

Affirm the inalienable right of rural people to protect their lands, their know-how, their traditional seeds and their medical knowledge, and above all to safeguard their cultural heritages and their value systems;

Be the agents of their own development, with the will to eliminate poverty, most scandalous of absurdities in the midst of plenty and of wealth;

Support the struggle of the indigenous peoples who, all over the world, are striving to defend their livelihood, their lands and their cultures.

15. The rural movements affiliated to the FIMARC are taking steps, all together and in each continent, for the effective realization of their rights. In the areas where action is urgently needed, education stands in the forefront and is of crucial importance, for it is the precondition for any awakening of consciousness and a sine qua non for the assumption of responsibility. In concrete terms, rural peoples with their movements are intensifying the process of consciousness-raising and promoting the participation of women so that all in unison, men and women alike, can more effectively analyse the adverse effects on their individual and communal lives of neoliberal policies and the dangers inherent in globalization of the economy. They are organizing immersion programmes in order to compare the development experience of other movements with their own and to develop a form of national and international solidarity that takes account of cultural diversity and differing value systems. They are intensifying their programmes of alternative development, in particular:

By developing the alternative marketing system at national and international levels;

By adopting an environment-friendly model of agricultural production;

By stepping up cooperation in the areas of production, processing and distribution;

By developing alternative credit facilities for peasants.

16. To increase their political power and hence their ability to combat the dominant system, they are continuing to form alliances and networks with other groups that share the same viewpoint, with other non-governmental organizations, other forces in society such as organizations of indigenous people, fishermen, or traditional craft workers, organizations for the defence of human rights and the environment, consumers' associations, etc. They are continuing their struggle for land rights and for the right to a decent livelihood from the land. They are seeking, by specific actions, and particularly within the Commission on Human Rights at Geneva, to draw attention to the fundamental right of peasants and of all rural people to form organizations, without being subjected to repression.

17. They are pursuing their efforts aimed at enabling women to take their place, in greater numbers, in civil institutions or political organizations, and to enjoy equitable treatment, more particularly in the remuneration system; the Beijing Conference emphasized the urgent need to continue these efforts. They are associating themselves, locally and at the national level in their own countries, with activicies to combat the exploitation of women and every form of violence manifested in the tourist industry or at the marital abode, as well as through discrimination against girls in education.

18. On the occasion of the World Summit for Social Development at Copenhagen, the non-governmental organizations' Forum affirmed in its final declaration that the dominant neoliberal system had failed as a model for universal development and that, all over the world, it was mainly the rural populations which suffered its adverse effects. The rural populations can only subscribe to the Declaration of the Summit itself, which in its programme of action affirms the need to "place people at the centre of development and direct our economies to meet human needs more effectively". The rural movements have chosen that path and await the support of all international authorities that truly wish to promote the realization of the right to development.

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Items 8 and 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Lawyers Committee for Human Rights a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1295 (XLIV).

[27 January 1997]

The situation of human rights in the Sudan

1. The Lawyers Committee for Human Rights would like to express its serious concern about human rights protection in the criminal justice system in the Sudan and the impact of Islamization on the Sudan's obligations under international law. These concerns are based on the findings of our mission to the Sudan, upon the invitation of the Chief Justice of the Sudan, in April 1995, and the subsequent release of our 1996 report Beset by Contradictions: Islamization, Legal Reform and Human Rights in Sudan.

2. After a coup d'état in June 1989, which installed the Government of the Revolutionary Command Council headed by Lieutenant-General Omar Hassan al-Bashir, President Bashir called for a new Sudanese society based on

divinely revealed Islamic law. Citing political chaos, moral degeneration and rampant lawlessness, President Bashir vowed to rescue the Sudan through adherence to Islamic principles derived from the Qur'an, Islam's holy book. Seven years later the Sudan remains a deeply divided country whose Government has come under sharp criticism from the United Nations and human rights organizations for a plethora of abuses linked to its repression of opposition, such as arbitrary detention, torture, unfair trial procedures and repressive security measures.

3. In the area of the rule of law, these seven years have been characterized by a serious decline in the quality of the administration of justice. The criminal justice system has been amended by the Government's Islamization programme to conform to the Government's interpretation of traditional Islamic legal principles. The Sudanese Government has criminalized political and ideological dissent, engages multifaceted security forces to monitor citizens' behaviour, and has installed a system of rewards and punishments based on adherence to government policies and public observance of Government-approved Islamic practices. Though more subtle than mass arrests and summary executions, these control mechanisms are equally debilitating to the fundamental freedoms of Sudanese citizens. This raises serious questions about human rights protections in the criminal justice system and the impact of Islamization on Sudan's obligations under international law.

4. Based on its findings, the Lawyers Committee would like to ask the Commission on Human Rights to endorse the recommendations set out below in relation to the general human rights protection and the judicial system in Sudan:

(a) Recommendations on general human rights protection

(i) The Government of the Sudan should comply with its human rights obligations under international law and take steps to ensure that national legislation is brought into conformity with the binding international treaties to which the Sudan is a signatory, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Government of the Sudan should take immediate steps to ratify the Convention against Torture. In the meantime, the Government of the Sudan should refrain from actions which contradict the provisions of this convention;

(ii) The Government of the Sudan should end the state of emergency and end all derogations from the rights enshrined in the International Covenant on Civil and Political Rights. A constitutional framework should be established to protect the rights of Sudanese citizens;

(iii) The Government of the Sudan should ensure that all police forces receive proper training which complies with international standards for law enforcement personnel as set forth in the United Nations Code of Conduct for Law Enforcement Officials. Private citizens should be discouraged and prevented from taking the law into their own hands. The powers of the Popular Committees and the Popular Police should be

carefully circumscribed in order to avoid abuses. Accordingly, the laws on Public Morality should be more carefully and clearly defined to guard against arbitrary application;

(iv) All reports of abuse of power or violations of the law by official bodies should be investigated thoroughly. Public authorities determined to have committed violations in the course of their duties should be held accountable for their actions and brought to justice. In this respect, the National Security Act should be amended to end the immunity of national security agents from prosecution for human rights violations committed in the course of duty;

(v) The Law of Evidence should be immediately amended to exclude as evidence confessions extracted under torture;

(vi) The Government of the Sudan should take measures to ensure that all citizens have access to an appropriate legal system and to protect the heterogeneous nature of the legal system. The efforts of the Chief Justice to codify customary law should be commended and supported;

(vii) The Government of the Sudan should encourage the development of a strong, independent legal profession: all harassment and intimidation of lawyers should cease. The Advocacy Act should be amended to remove it from the purview of the Registrar of Trade Unions, so as to guarantee the Bar Association's independence from the Government;

(viii) The Government of the Sudan should promptly publish all laws in the Official Gazette in order to allow public access to them. The Government should also support the publication of the Sudan Law Journal and Reports, an important resource for the legal profession and a requirement for the standardization of the legal system.

(b) Recommendations on the judicial system

(i) In order to ensure the institutional independence of the judiciary, the state of emergency should be lifted so that control of the judiciary will be removed from the authority of the head of State;

(ii) The selection and promotion of judges should be based solely on objective factors such as ability, experience and integrity, in accordance with the United Nations Basic Principles on the Independence of the Judiciary. Discrimination on the basis of political opinion, religion or gender in the selection of judges should be expressly forbidden. The Government should take immediate measures to augment the number of females and non-Muslims in the judiciary;

(iii) The disciplining and dismissal of judges should be regulated by objective procedures that will protect judges from arbitrary punishment or dismissal. Decisions in disciplinary, suspension or removal proceedings should be subject to independent review, in accordance with the United Nations Basic Principles on the Independence of the Judiciary;

(iv) There should be judicial supervision of all pre-trial measures regarding arrest, detention, release on bail, searches, surveillance and seizure. The judiciary should have sole responsibility for issuing arrest warrants, search warrants and decisions regarding release on bail;

(v) Due process guarantees should be extended to all detainees, whether formally charged with an offence or not. This includes guaranteeing the legal right of a detainee to have access without delay to a lawyer of his or her own choosing, a limit on the duration of detention without trial and judicial supervision of detention procedures. Provisions of emergency law which allow indefinite or prolonged periods of incommunicado detention should be amended;

(vi) All detainees should be held at registered detention facilities with access to legal representation. The operation of secret interrogation facilities by the security services must be terminated;

(vii) The special court system should be abolished; all cases should be tried in the normal court system using procedures established by law without interference from the executive;

(viii) Procedures within the Public Order Courts should be amended in order to conform to international standards for a fair trial, including the right to legal representation, adequate time and facilities for preparation of defence and the right of appeal. If procedures are not reformed, the Public Order Courts should be discontinued.

5. The Lawyers Committee urges the Commission on Human Rights to continue to monitor the Sudan's failure to fulfil its obligations under international law and guarantee human rights protections, particularly in its criminal justice system.

6. The Lawyers Committee regrets the fact that on his recent visit to the Sudan in January 1997, the Special Rapporteur on the Sudan, Mr. Gaspár Biró, was asked to leave the country earlier than planned. The Committee calls upon the Government of the Sudan to allow the Special Rapporteur to complete his mission at the earliest possible date.